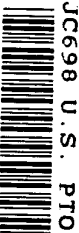


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JC698 U.S. PTO

9/A/A

PATENT

Customer Number 22,852

Attorney Docket No. 4853.0023-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS AND TRADEMARKS
Washington, D.C. 20231

Prior Application Art Unit: 09/373,995 Prior Application Examiner: Gupta, A.

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/373,995 filed August 16, 1999 of Y. Sakagami et al. for PLANT GROWTH FACTOR

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/373,995 as originally filed on August 16, 1999, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☐ Cancel Claims.
5. ☒ A Preliminary Amendment is enclosed.
6. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$740	\$ 740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	2	-	20	0	x \$18	0.00
Independent Claims	2	-	3	0	x \$84	0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	0.00
Subtotal						\$ 740.00
Reduction by 1/2 if small entity						- 0.00
TOTAL APPLICATION FILING FEE						\$ 740.00

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7. ☒ A check in the amount of \$740.00 to cover the filing fee is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the following new paragraph:

This is a division of Application No. 09/373,995, filed August 16, 1999, which is a division of Application No. 08/949,038, filed October 10, 1997, which is a CIP of Application No. PCT/JP95/02091 filed October 12, 1995, and PCT/JP96/00994 filed April 11, 1996, which claims the right to priority based on Japanese Application No. 86935/1995, filed April 12, 1995, all of which are incorporated herein by reference.

10. ☒ A Submission of Sequence Listing under 37 C.F.R. § 1.821(e) has been enclosed.
11. ☒ The prior application is assigned of record to: Kyowa Hakko Kogyo Co., Ltd.
12. ☐ Priority of Application No. 86935/1995, filed on April 12, 1995 in Japan is claimed under 35 U.S.C. § 119. A certified copy

☐ is enclosed or ☒ is on file in the prior application.

13. ☐ Small entity status is appropriate and applies to this application.

14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson,

Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. No. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; John Rissman, Reg. No. 33,764; M. Lawrence Oliverio, Reg. No. 30,915; Therese Hendricks, Reg. No. 30,389, and Rebecca McNeill, Reg. No. 43,796.

15. ☒ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**

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202210-0122010051098

18. ☐ Recognize as associate attorney _____

19. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/373,995, filed August 16, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 22, 2002

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Y. Sakagami et al.

Serial No.: not assigned
(Divisional of 09/373,995)

Filed: concurrently

For: Plant Growth Factor
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

)
) Prior Appln.
) Group Art Unit: 1653
)
) Prior Appln.
) Examiner: A. Gupta
)
)
)

SUBMISSION OF SEQUENCE LISTING UNDER 37 C.F.R. § 1.821 (e)

Concurrently with filing the divisional application papers, Applicants enclose a paper copy of the Sequence Listing in this application. Applicants refer to the Sequence Listing and the computer readable form thereof filed March 9, 1999, in parent application U.S. Serial No. 08/949,038, which contains sequence information identical to that of the present application. Applicants hereby request, therefore, that the Sequence Listing of the parent application be used to fulfill the sequence disclosure requirements for this application pursuant to 37 C.F.R. § 1.821(e). The paper copy of the Sequence Listing enclosed is identical to the computer readable copy filed in the parent application. Applicants request examination of the instant application on the merits in due course.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 22, 2002

By: Rebecca McNeill
Rebecca M. McNeill
Reg. No. 43,796

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10051008.012202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No:04853-0023

In re patent application of

Sakagami, Youji et al.

Serial No. 08/949,038

Filed: October 10, 1997

For: Plant Growth Factor

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

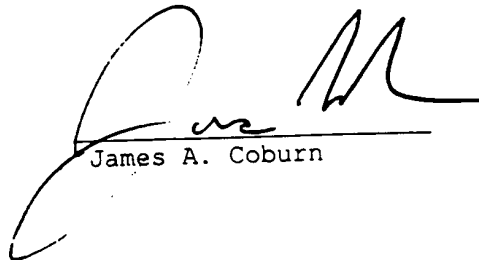
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202210 8015001

Serial No. 08/949,038

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

Dec. 24, 1998
Date


James A. Coburn

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